

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HANNAH NICHOLS, individually,)
A.N., a minor child, individually,)
G.N., a minor child, individually,)
)
Plaintiffs,)
)
v.)
)
JONATH GIPSON, individually,)
LOADTEX, INC., a foreign corporation,)
)
Defendants.)

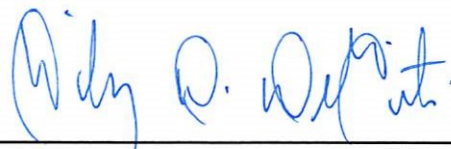
Case No. CIV-21-779

ORDER

Before the Court is Defendants' Partial Motion to Dismiss for Failure to State a Claim [Doc. No. 6]. In response, Plaintiff has filed an Amended Complaint [Doc. No. 8] pursuant to Fed. R. Civ. P. 15(a)(1)(B). Upon consideration, the Court finds Defendant's Motion directed at Plaintiffs' original pleading is moot. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (amended complaint supersedes the original); *see also Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007).

IT IS THEREFORE ORDERED that Defendants' Partial Motion to Dismiss for Failure to State a Claim [Doc. No. 6] is **DENIED** as moot.

IT IS SO ORDERED this 29th day of September, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge